UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA	)	
v.	)	
	)	Criminal No. 16-cr-10350-RGS
	)	
	)	
	)	
6. Wallington GARCIA, a/k/a Ariel	)	

Defendant

GOVERNMENT'S RESPONSE TO DEFENDANT'S MOTION FOR REVIEW OF THE MAGISTRATE JUDGE'S DETENTION ORDER

The Government respectfully opposes the part of Defendant's Motion For Review of the Magistrate Judge's Detention Order (Docket No. 73) that seeks to set aside or overturn Magistrate Judge David H. Hennessey's detention order regarding this Defendant (Docket No. 70). While the defendant is entitled to a prompt review of that detention order under 18 U.S.C. § 3145(b), the government believes that, after review by this Court, the detention order should be affirmed. The Magistrate Judge found that, while the case was a close one, the weight of the evidence established by a preponderance that no condition or combination of conditions will reasonably assure Defendant's appearance as required, and established by clear and convincing evidence that no condition or combination of conditions will reasonably assure the safety of any other person or the community. Dkt. No. 70, at 14. As set forth in detail in the Memorandum and Decision, the Magistrate Judge's conclusions were based on a careful and thorough consideration of all of the evidence and applicable law.

Defendant points to no reason that the Magistrate Judge's recitation of either the facts or the evidence was in any way inaccurate, and Defendant makes no argument that the Magistrate

Judge misapplied the law or improperly considered any of the factors in 18 U.S.C. § 1342 in reaching his decision. While the Defendant is entitled to a review of the Magistrate Judge's detention decision by this Court, where Defendant fails to identify any incorrect application of law, any failure to consider evidence or argument, any insufficiently supported inference or conclusion, anything at all that he thinks the Magistrate Judge should have done differently, or any new evidence that he wishes to bring to this Court's attention, the Magistrate Judge's decision should be affirmed. Defendant provides no reason why, upon review, this Court should set aside the detention decision and reach a different result.

For the foregoing reasons, the Government respectfully requests that the Magistrate Judge's Order of Detention should be affirmed.

Respectfully submitted,

WILLIAM D. WEINREB
ACTING United States Attorney

By: */s/ Susan G. Winkler*
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Certificate of Service

I hereby certify that I served the foregoing document by EFT on February 23, 2017 to all counsel of record.

___*/s/ Susan Winkler*__
Susan G. Winkler
Assistant U.S. Attorney